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8 Counsel for Lead Plaintiff and the Class

9 UNITED STATES DISTRICT COURT
10 CENTRAL DISTRICT OF CALIFORNIA

11 MIKE MCGEE, BANKIM GOPANI,
12 NIRANJAN KUMAR DAS, MARK
13 STEPHENSON, MELVIN YOUNKER,
14 VICTOR BRANCACIO, and ROBERT
15 WALSH, Individually and On Behalf of All
16 Others Similarly Situated,

17 Plaintiffs,

18 vs.

19 CHINA ELECTRIC MOTOR, INC., YUE
20 WANG, HAIXIA ZHANG, HEUNG SANG
21 "DEXTER" FONG, FUGUI WANG,
22 GUOQIANG ZHANG, LIANG TANG,
23 SHUIPING WANG, WESTPARK CAPITAL,
24 INC., ROTH CAPITAL PARTNERS, LLC,
25 RICHARD RAPPAPORT, PHILIP
KEMPISTY, KEMPISTY & COMPANY
CPAS, P.C., and MALONEBAILEY, LLP,

Defendants.

No. CV 11-2794-R (AGRx)

CLASS ACTION

**PLAINTIFF'S NOTICE OF
APPEAL AND NINTH
CIRCUIT RULE 3-2
REPRESENTATION
STATEMENT**

1 Notice is hereby given that Lead Plaintiff Mike McGee, on behalf of
2 himself and all other similarly situated, appeals to the United States Court of
3 Appeals for the Ninth Circuit from the Court's Minutes entered in the above-
4 captioned action, Dkt. No. 183 after hearing Lead Plaintiffs motion for award of
5 attorneys' fees and reimbursement of expenses on October 7, 2013 and granting
6 Lead Plaintiffs' motion but in amounts as stated on the record which differ from
7 some of Plaintiffs' requests.

8 DATED: November 6, 2013

Respectfully submitted,

9
10 **THE ROSEN LAW FIRM P.A.**

11 /s/ Laurence M. Rosen
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Lead Counsel for Lead Plaintiff and the
Class

RULE 3-2 REPRESENTATION STATEMENT

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3 1. Lead Plaintiff-Appellant, Mike McGee, is represented by
4 Laurence M. Rosen, Esq.
5 THE ROSEN LAW FIRM, P.A.
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7 Los Angeles, CA 90071
8 Telephone: (213) 785-2610

9
10 2. Defendant China Electric Motor is represented by
11 Jerome S. Fortinsky, Esq.
12 Brian G. Burke, Esq.
13 SHEARMAN AND STERLING LLP
14 599 Lexington Avenue
15 New York, NY 10022
16 Telephone: (212) 848-4000

17
18 3. Defendant MaloneBailey LLP is represented by
19 Patrick M. Kelly, Esq.
20 David S. Eisen, Esq.
21 Patricia Ann Golson, Esq.
22 WILSON ELSEER MOSKOWITZ EDELMAN & DICKER LLP
23 55 South Flower Street, Suite 2900
24 Los Angeles, CA 90071
25 Telephone: (213) 443-5100

4. Defendant Roth Capital Partners, LLC is represented by
John R. Loftus, Esq.
STROOCK & STROOCK & LAVAN LLP
2029 Century Park East
Los Angeles, CA 90067
Telephone: (310) 556-5800

5. Defendants WestPark Capital, Inc. and Richard Rappaport are
represented by

1 Julie Kamps, Esq.
2 WestPark Capital Financial Services, LLC
3 1900 Avenue of the Stars, Suite 310
4 Los Angeles, CA 90067
5 Telephone: (310) 843.9300

6
7 6. Defendants Philip Kempisty and Kempisty and Company, CPAs, P.C.
8 are represented by

9 James C. McMillin, Esq.
10 McAfee & Taft, P.C.
11 211 N. Robinson Ave.
12 Oklahoma City, OK 73102
13 Telephone: (405) 235-9261

14 DATED: November 6, 2013

Respectfully submitted,

15 **THE ROSEN LAW FIRM P.A.**

16 /s/ Laurence M. Rosen
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24 Lead Counsel for Lead Plaintiff and the
25 Class

CERTIFICATE OF SERVICE

I, Sara Fuks, hereby declare under penalty of perjury as follows:

I am attorney with the Rosen Law Firm, P.A., with offices at 355 South Grand Avenue, Suite 2450, Los Angeles, CA, 90071. I am over the age of eighteen.

On November 6, 2013, I electronically filed the following PLAINTIFF'S NOTICE OF APPEAL AND NINTH CIRCUIT RULE 3-2 REPRESENTATION STATEMENT with the Clerk of the Court using the CM/ECF system, which sent notification of such filing to counsel of record.

Executed on November 6, 2013

/s/ Sara Fuks